

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Ref. No. 122

**NOTICE OF FILING OF WILLIAMSMARSTON LLC'S
OCP DECLARATION AND OCP QUESTIONNAIRE**

TO: The Office of the United States Trustee for the District of Delaware

PLEASE TAKE NOTICE that, on October 26, 2024, the Court entered the *Order Granting Motion of the Debtors for Entry of an Order Authorizing Employment and Retention of Professionals Utilized in the Ordinary Course of Business* [Docket No. 122] (the "OCP Order")²

PLEASE TAKE FURTHER NOTICE that, on the date hereof, pursuant to the terms of the OCP Order, the debtors and debtors-in-possession in the above-captioned cases (the "Debtors"), filed the *Declaration in Support of Employment and Retention of WilliamsMarston LLC as a Professional Utilized in the Ordinary Course of Business* (the "OCP Declaration"), a copy of which is attached hereto as **Exhibit 1**, and the related *Retention Questionnaire* (the "OCP Questionnaire"), a copy of which is attached hereto as **Exhibit 2**.

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¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: InVivo Therapeutics Corporation (6670) and InVivo Therapeutics Holdings Corp. (8166). The Debtors' mailing address is 1500 District Avenue, Burlington, MA 01803.

² Terms utilized but not otherwise defined herein shall have the meanings ascribed to them in the Order.



PLEASE TAKE FURTHER NOTICE THAT, PURSUANT TO THE ORDER, THE NOTICE PARTIES HAVE FOURTEEN (14) DAYS FOLLOWING SERVICE OF THE ATTACHED OCP DECLARATION AND OCP QUESTIONNAIRE TO FILE ANY OBJECTION TO THE RETENTION STEMMING FROM THE CONTENTS OF THE OCP DECLARATION OR THE OCP QUESTIONNAIRE. IF AFTER FOURTEEN (14) DAYS NO OBJECTION IS FILED, THEN THE RETENTION OF SUCH ORDINARY COURSE PROFESSIONAL SHALL BE DEEMED APPROVED AND SUCH PROFESSIONAL MAY BE PAID IN ACCORDANCE WITH THE TERMS OF THE ORDER.

Dated: March 26, 2024
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ Joshua B. Brooks
Matthew B. McGuire (No. 4366)
Joshua B. Brooks (No. 6765)
George A. Williams III (No. 6964)
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*Counsel for the Debtors and
Debtors-In-Possession*

EXHIBIT 1

OCP Declaration

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10137 (MFW)

(Jointly Administered)

Ref. No. ____

**DECLARATION IN SUPPORT OF EMPLOYMENT AND RETENTION
OF WILLIAMSMARSTON LLC AS A PROFESSIONAL UTILIZED IN
THE ORDINARY COURSE OF BUSINESS**

I, Bruce Major, declare under the penalty of perjury as follows:

1. I am a member of WilliamsMarston LLC (the “Firm”), which has been employed by the debtors and debtors-in-possession (the “Debtors”) in the above-captioned cases (the “Chapter 11 Cases”) in the ordinary course of their business. The Debtors wish to employ and retain the Firm to continue providing such ordinary course services during the Chapter 11 Cases. This declaration is submitted in compliance with the *Order Granting Motion of the Debtors for Entry of an Order Authorizing the Employment and Retention of Professionals Utilized in the Ordinary Course of Business* (the “OCP Order”).

2. Neither I, the Firm, nor any member, counsel, or associate thereof, insofar as I have been able to ascertain, has any connection with the Debtors, their creditors or stockholders, or any party in interest, except as set forth herein:

3. The Firm does not represent or hold any interest adverse to the Debtors or their estates with respect to the engagement for which the Firm is to be retained.

4. The Firm and certain of its members, counsel, and associates may have in the past

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represented, currently represent and may in the future represent entities that are claimants or equity security holders of the Debtors in matters unrelated to the Debtors' Chapter 11 Cases. None of those past or current representations are material. The Firm intends to apply for compensation for professional services rendered in connection with the Chapter 11 Cases directly to the Debtors, in accordance with the OCP Order, through the submission of invoices. The Firm will bill the Debtors a flat rate for its services and expects that the value of services rendered to the Debtors shall not exceed \$30,000 (the "Estimated Fees"). The Firm does not ordinarily bill its clients in one-tenth (1/10th) of an hour increments.

5. The Estimated Fees constitute the Firm's standard charge for work of this nature and is set at a level designed to fairly compensate the Firm for the work of its professionals and to cover fixed and routine overhead expenses. The Firm will charge the Debtors for its services in a manner consistent with charges made generally to the Firm's other clients.

6. Except as provided in the OCP Order, no representations or promises have been received by the Firm [nor by any member, counsel or associate thereof] as to compensation in connection with these cases other than in accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share with such entity any compensation received by the Firm in connection with the Chapter 11 Cases.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 3/11/2024, 2024


DocuSigned by:

52E41477DE214B3...
Bruce Major
Partner
1 Washington Street, 9th Floor
Boston, MA 02108

EXHIBIT 2

OCP Questionnaire

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

INVIVO THERAPEUTICS CORPORATION, *et al.*,¹

Debtors.

Chapter 11

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RETENTION QUESTIONNAIRE

To be completed by each professional to be employed by the above-captioned debtors and debtors-in-possession (the “Debtors”):

If more space is needed, please complete on a separate page and attach.

1. Name and address of firm:

WilliamsMarston LLC

1 Washington Street

9th Floor

Boston, MA 02108

2. Date of retention: 03/07/2024

3. Type of service(s) provided:

Federal and State income tax return preparation for calendar year
2023 and the final short period ending in 2024

4. Brief description of service(s) to be provided:

Federal, Massachusetts, and Rhode Island corporate income tax
return preparation for the consolidated group for tax years 2023
and 2024

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5. Arrangements for compensation: Payable in advance
- (a) Average rate (if applicable): N/A
- (b) Estimated compensation: not to exceed \$30,000 \$25,000
6. Prepetition claims against the Debtors held by the Firm:
- Amount of claim: \$N/A
- Date claim arose: N/A
- Source of claim: N/A
7. Prepetition claims against the Debtors held individually by any member, associate or professional employee of the Firm:
- Name: N/A
- Status: N/A
- Amount of claim: \$N/A
- Date claim arose: N/A
- Source of claim: N/A
8. Stock of the Debtors currently held individually by any member, associate or professional employee of the Firm:
- Kind of shares: N/A
- No. of shares: N/A
9. Stock of the Debtors currently held individually by any member, associate or professional employee of the Firm:
- Name: N/A
- No. of shares: N/A
10. Disclose the nature, and provide a brief description, of any interest adverse to the Debtors or to theirs estate respecting the matters on which the above-named firm is to be employed.
- None
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